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8 Attorneys for the Tolkien Estate Limited, the Tolkien Trust and Simon Tolkien.

9 **IN THE UNITED STATES DISTRICT COURT**

10 **THE CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11  
12 DEMETRIOUS

13 POLYCHRON

14 Plaintiff,

15 v.

16 JEFF BEZOS, an Individual, JENNIFER  
17 SALKE, An Individual, SIMON  
18 TOLKIEN, an Individual, PATRICK  
19 MCKAY, an Individual, JOHN D.  
20 PAYNE, an Individual, AMAZON  
21 STUDIOS LLC, a California Limited  
22 Liability Company, AMAZON  
23 CONTENT SERVICES, LLC, a Delaware  
24 Limited Liability Company, THE  
25 TOLKIEN ESTATE LIMITED, THE  
26 TOLKIEN TRUST, and DOES 1-100,

27 Defendants.

Case No. 2:23-cv-02831-SVW-E

**DECLARATION OF LACY H.  
KOONCE, III IN SUPPORT OF  
DEFENDANTS’ MOTION TO  
DISMISS PLAINTIFF’S FIRST  
AMENDED COMPLAINT**

**DECLARATION OF LACY H. KOONCE, III**

I, Lacy H. Koonce, III, declare as follows:

1. I am an attorney at Klaris Law and have been admitted *pro hac vice* to practice before this Court. I am counsel for Defendants the Tolkien Estate Limited, the Tolkien Trust and Simon Tolkien (collectively, the “Tolkien Defendants”) in the above-referenced matter. I submit this declaration in support of the Tolkien Defendants’ Motion to Dismiss Plaintiff’s First Amended Complaint (“FAC”), filed concurrently with this declaration.

2. Lodged as a physical copy in accordance with L.R. 11-5.1 and referenced herein as **Exhibit A** is a true and correct copy of a single volume of J.R.R. Tolkien’s book *The Lord of the Rings*, referenced in the FAC at ¶¶ 25-27, 29-30.

3. Attached hereto as **Exhibit B** is a true and correct copy of the November 21, 2017 letter from Plaintiff to Defendant Simon Tolkien in which Plaintiff admits to having written a sequel to *The Lord of the Rings*, referenced in the FAC at ¶ 26.

4. Attached hereto as **Exhibit C** is a true and correct copy of the November 7, 2019 letter from Plaintiff’s counsel, and accompanying statement from Demetrious Polychron, to Defendant Simon Tolkien regarding a potential collaboration with the Tolkien Estate on the publication of such sequel, referenced in the FAC at ¶ 27.

5. Attached hereto as **Exhibit D** is a true and correct copy of the response from counsel for the Tolkien Estate that it did not wish to grant the right to publish a sequel to *The Lord of the Rings*, referenced in the FAC at ¶ 27.

6. Attached hereto as **Exhibit E** is a true and correct copy of the December 24, 2019 letter that Plaintiff hand-delivered to Defendant Simon Tolkien alongside a physical copy of his infringing manuscript, referenced in the FAC at ¶ 28.

7. Attached hereto as **Exhibit F** is a true and correct copy of the September 22, 2022 version of Plaintiff’s sequel, *The Fellowship of the King*,

1 referenced in the FAC at ¶ 23.

2 8. Attached hereto as **Exhibit G** is a true and correct copy of the  
3 November 21, 2017 deposit copy of Plaintiff's sequel, *The Fellowship of the King*  
4 submitted to the U.S. Copyright Office for registration, referenced in the FAC at ¶  
5 26.

6 9. Attached hereto as **Exhibit H** is a true and correct copy of the cover  
7 artwork and text for the hardcover version of Plaintiff's sequel, *The Fellowship of*  
8 *the King* published on September 22, 2022, referenced in the FAC at Exhibit B.

9 I declare under penalty of perjury under the laws of the United States that  
10 the foregoing is true and correct.

11 Executed this 27<sup>th</sup> day of July, 2023 in Pelham, New York.

12 /s/ Lacy H. Koonce, III

13 Lacy H. Koonce, III  
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